EXHIBIT F

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SAT 06/28/		10	· ·-····		Initial Cr	ime Report		Occurred: SAT 06	/28/2003	0010	
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Suspect/Defendant Information

Male Male ter Color Brown Disguise Moress 1627 Tag	Race White		1	thnic Origin	ł	Ana						
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.hi				 ! -		Crimes	and Assoc	iated Infor	mation			
cim Number O I	r Crime Seq 007	Statute DE:11:	0811:00 		Crime	Description		\$1000 Damas	,		***************************************	
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Surglary Fore	ce knyalved	2701 - 1	Antage	Dusiness	rroper	y :	* ** * *					
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uspected Ha		Crime Code					· · · · · · · · · · · · · · · · · · ·	Maconol (7)	Dunda (7 cau	puter		
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	\				POLIC	E UNIFORM P	ANTS		
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M. C. Information	MO Class	l Mischief Action		MO De	scription	•		·	
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Victim Numb		l Mischief Action	18 		JCE UNIFORI	MS			· · · · · · · · · · · · · · · · · · ·
002	or Crime Seq	Statute DE:11:1301:04	DIF:M:	Disor	escription derly Conduct				
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Burglary Fo	rce involved	5316 - Disorde	riy Conau	cvriquo	r Involvement				
[]Yes	□No				;		-		
Victim Numbo 002	crime Seq 002	Statute DE:11:1301:00	IA:M:	Crimo Do	scription derly Conduct				
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	N/A - O/I/I/I	5316 - Disorde	rly Condu	ct/Liquo	r Involvement				
□Yes	□ N o	}							
nclim Numbe 002	Crime Seq	Statute DE:11:1257:00	00-M-A	Crime De			····		
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icim Numbe		Statute		Crime De					
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Burglary For	ce involved [∏No								
ictim Number	Crime Seq			Crimo Des	cription			·	
102 Location Typ	010	DE:11:1301:00			erly Conduct	·····			
Highway	/Roadway		Status Adult Ar	rest 06/2	8/2003	Involvement Malcohol	[" Drugs	[] Computer	General Offense
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Burglary Ford	ce involved □ No		<u>, , , , , , , , , , , , , , , , , , , </u>		· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·			
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Burglary Ford	e Involved			······································		BUC I BEERVITAES	issment/	otner Assa	ults/Non-Aggravated
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clim Number 04	Crime Seq 009	Statute DE:11:0612:00s	3:F:D	Crime Des		: Intentional Inia	urv to a 1	Law Enfo-	cement Officer Fireman Correctional
ocation Type	<u></u>			Officer	Sheriff or Dept	uty Sheriff			cement Officer Fireman Correctional
Highway	/Roadway	•	Adult Ar	rest 06/2	8/2003	Involvement (X Alcohol	: Drugs	Computer	Sonardi Offensa
Suspected He	No - N/A	Crime Code 13214D - Aggrav	vated Auca	ult/Palis	e Officer Street				- /
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	bevlayre ear	Weapon/Force Used		Т	Police Assignment	ciated informati	Dollar Amirin	Activav			
Yes	[]No	Personal Wea	ponsHands	/Feet	oet Other/Officers on Foot Patrol/Off Dath/Rampting Other Arrest Assault factor						
M. O. Information	MO Class Personal	Acts Against Vi	ctim	MO Description Assaults	D Gescription						
Į	Mo Class Means of Attack			MO Description Hands/Feet							
005	006 DE:11:0601:00al:M:A			Offensive '	rime Description Offensive Touching of Law Enforcement Officer Ambulance Attendant EMT Firefighter Corrections Officer or Medical Professional						
Highwa	Location Type Highway/Roadway/Alley Adult Arr			rrest 0G/28/2		Involvement Alcohol Drugs	G	eneral Offense			
Suspected	Hato/Bias MNo - N/A	Crime Code 13174E - Simp	•	• • • •		s/Non-Aggravated					
	rce trivolved	Wespon/Force Used Personal Wesp) F	olice Assignment	on Foot Patrol/Off D	Police Activity	Other Arrest			
						perty Summary					
Total Stolen \$0.00	Property		Total Recov	ered Property		Total Seized Property \$0.00		Total Damaged Proper \$600.00	ly		
				Victim -	Suspect/Def	endant Relation	ships	· · · · · · · · · · · · · · · · · · ·	······································		
Victim - 001 DEWEY	BEACH P	OLICE DEPAR	TMENT		efendant - 001 E, GREGORY	C	Victi	m Offender Relationship anger			
	ВЕАСН Р	OLICE DEPAR	TMENT	Suepect/D	Suspect/Defendant - QD2 LUCCI, PAUL A J Suspect/Defendant - QD1 PARISE, GREGORY C			Victim Offender Relationship Stranger Victim Offender Relationship Victimless Crime			
Victim - 002 Society/Pt	ublic			Suspect/D PARIS							
Society/Pu	aim-002 ociety/Public				Suspect/Defendant - 002 LUCCI, PAUL A J			Victim Offender Relationship Victimless Crime			
PETTYJO	etim - 003 PETTYJOHN, ZACHARY A P			PARIS	efendant - 001 E, GREGORY	C	Victi	n Offender Relationship Anger			
	ETTYJOHN, ZACHARY A P		Suspect/Do	ofendant - 002		Victin	Victim Offender Relationship Stranger				
	ns, jerei	MY TODD P		Suspect/De PARIS	Suspect/Defendant - 001 PARISE, GREGORY C		Viciji	Vicim Offerder Relationship Stranger			
	ns, jerei	MY TODD P		Suspect/De	fendant - 002 , PAUL A J		Victim Offender Relationship				
/ictim - 005 WHEATL				Suspect/De	Suspect/Defendent - 001 PARISE, GRECORY C			Stranger Victim Offender Relationship			

Investigative Narrative

Stranger

Stranger

Victim Offender Relationship

PARISE, GREGORY C

Suspect/Defendant - 002

LUCCI, PAUL A J

WHEATLEY, JOHN W J

On June 28, 2003 at approximately 0010 hours writer was on patrol in the Bottle & Cork parking lot. While standing in the east end of the parking lot, writer observed two males (defendant Parise and defendant Lucci) urinating behind a sign in the parking lot. Writer also observed defendant Lucci's penis. When the defendants finished urinating, they began to walk westbound on Dagsworthy Avenue. Writer radioed to Patrolman Pettyjohn of the Dewey Beach Police Department and gave him their descriptions and advised him the defendants were walking in his direction.

Upon stopping the defendants, Pettyjohn explained to them the reason for the stop. At this time Patrolman Hitchens and I arrived with Patrolman Pettyjohn. The defendants stated multiple times that they were real police officers and the officers on the scene were only peace officers. They also stated they will not comply with commands until the real police arrive.

Becoming very irate, the defendants said they were "done" and began walking away. Writer told the defendants to "come here" and reached for defendant Lucci. Upon grabbing Lucci around his waste, he threw his elbow against my arm and aggressively pushed himself away. At this time, I sprayed Lucci with Cap-Stun. Defendant Lucci ran less then ten feet and swung his fist towards Patrolman Pettyjohn. Patrolman Pettyjohn ducked his head and Patrolman Hitchens was punched in the mouth, putting him unconscious. Patrolman Pettyjohn told Lucci to stop and Lucci immediately put his hands up and took a few steps towards him. Patrolman Pettyjohn

Reporting Officer	Supervisor Approval	
PTLM WHEATLEY - 98938 2	SAMUEL D MACKERT OJDBSDM Date 06/28/2003 1339	

FEB-08-2004 a 5:07.4-cv-009 Tolking DEWEY DEWEY BEACH 42-7 Filed 03/01/2006 302326664 33 P. 06

Investigative Narrative - Continued

sprayed Lucci again with Cap-Stun. Defendant Lucci then fled eastbound on Dagsworthy Avenue. Writer observed defendant Parise running towards him with his arms spread intending to tackle him. Defendant Parise was sprayed with Cap-Stun before reaching the officers. He then fled eastbound on Dagsworthy Avenue. Both defendants were apprehended after a brief foot pursuit.

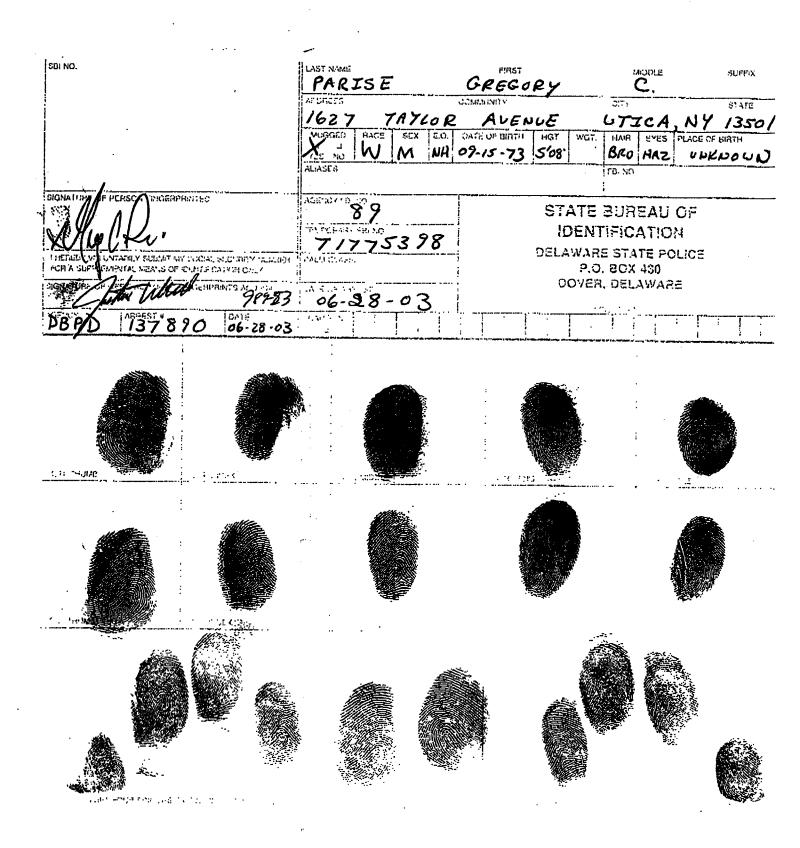
During the incident two \$60.00 police uniform shirts, one \$80.00 pair of police uniform pants, and a \$400.00 high band radio were damaged. The radio is damaged beyond repair.

Patrolman Hitchens was transported to Beebe Medical Center where he was treated for a bruised jaw and abrasions to his lips.

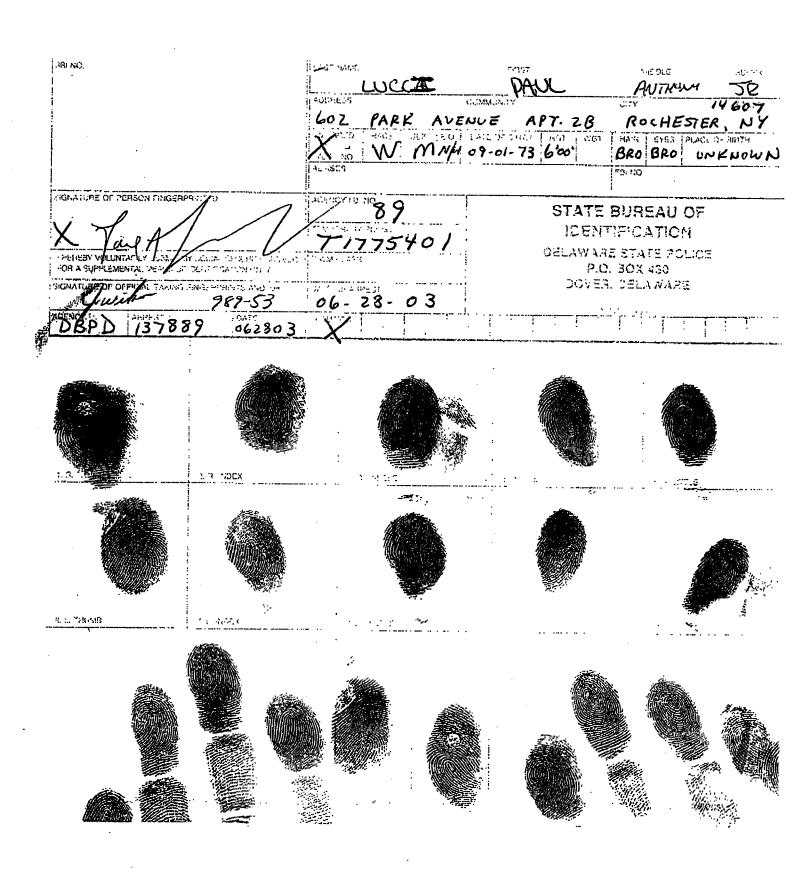
The defendants were taken to the Dewey Beach Police Department where they were processed, then transported to Court 3 where they were arraigned.

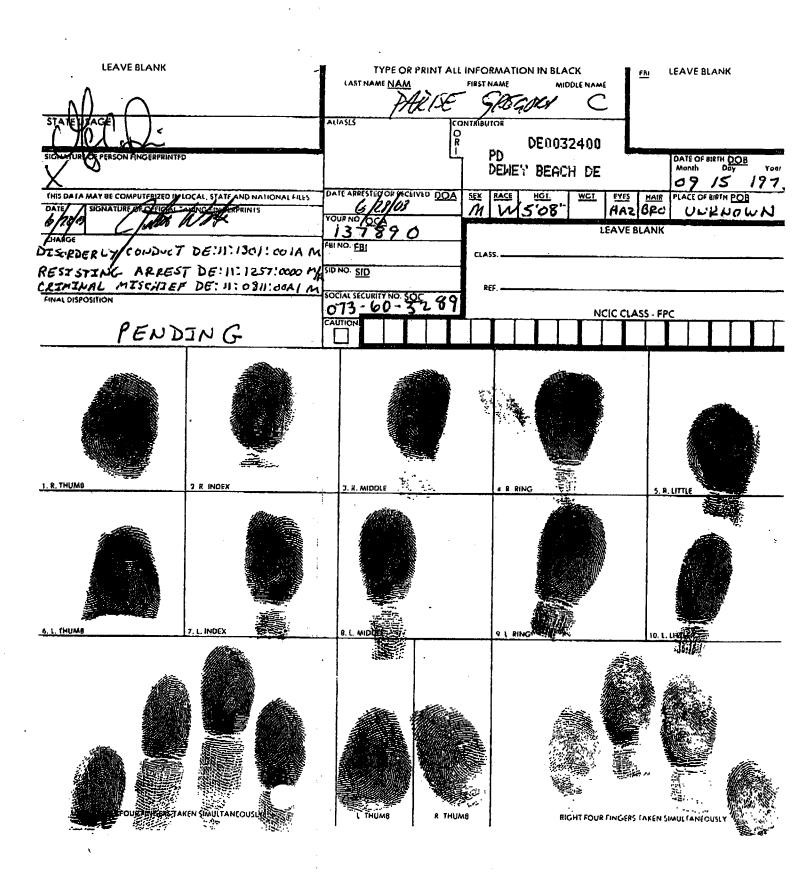
Reporting Officer PTLM WHEATLE	EY - 98938 2	Supervisor Approved SAMUEL D MA	CKERT OJDBSDM Date 06/2	28/2003 1339	
Detective Notified		Referred To			
Solvability Factors	☐Wilness ☐ Suspect Located	OM. O. Suspect Described	Trace Stolen Property Suppect Identified	Suspect Named [1]Suspect Vehicle Identified	Status Closed

S. DEFENDANTS ADDRESS 1627 TAYLOR AVEN			ARREST NO. 137890 CORD IS RESTRICTE 4. GRID OF RESIDENCE	D TO CRIMINAL JUST	
2. DEFENDANT'S NAME (LAST, FIRST, MIDDLE, S PARISE GPE 5. DEFENDANT'S ADDRESS 1627 TAYLOR AVEN	DISSEMINAT	ION OF THIS REC	ORD IS RESTRICTE	D TO CRIMINAL JUST	ICE AGENCIES ONLY.
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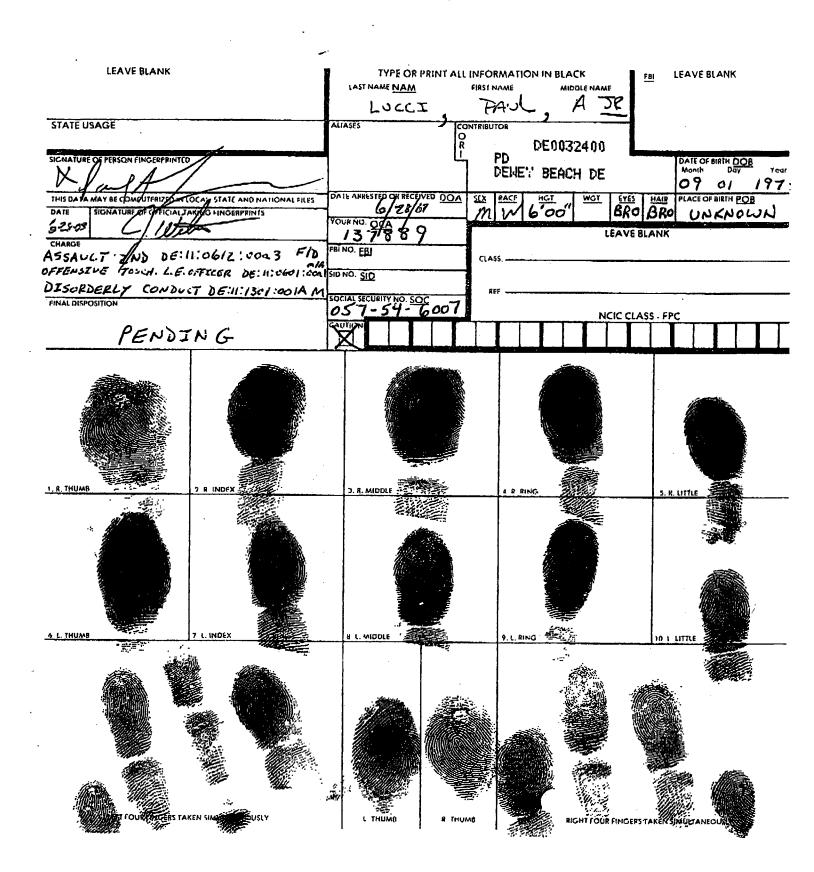
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FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE

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IF ARREST FINGERPRINTS SENT FBI PREVIOUSLY AND FBI NO, UNKNOWN, FURNISH ARREST NO DATE	JAILS. RECEIVING AGENCIES ETC.) REQUESTS COPIES OF FOI IDENTIFICATION RECORD FOR ALL OTHER INTERESTED AGENCIES IN BLOCK BELOW. GIVE COMPLETE MAILING ADDRESS INCLUDING ZIP CODE. 3. 14PE OR PRINT ALL INFORMATION.
	4. NOTE AMPUTATIONS IN PROPER FINGER BLOCKS.
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FEDERAL BUREAU OF INVESTIGATION, UNITED STATES DEPARTMENT OF JUSTICE WASHINGTON, D.C. 20537

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Adult Complaint and Warrant In the Justice of the Peace Court In and for the State of Delaware

State of Delaware vs. GREGORY C. PARISE

I, PTLM JOHN W WHEATLEY (98938) of DEWEY BEACH PD, do hereby state under oath or affirmation, to the best of my knowledge, information and belief that the above-named accused violated the laws of the State of Delaware by committing criminal acts in Sussex county on or about the date, or dates, and at or about the location, or locations, as indicated in Exhibit A hereto attached and made a part hereof.

Wherefore, your affiant prays that the above-named accused may be forthwith approached and held to answer this complaint consisting of 3 charges, and to be further dealt with as the law directs.

Affiant

Sworm to and subscribed to before me this 28th day of June AD, 2003.

Judge/Master/Commissioner/Court Official

Judge/Master/Commissioner/Court Official

A misdemeanor was committed by a child.

A misdemeanor was committed by oris family member against another family member.

Other, Explain

Warrant

To any constable or other authorized person:

Whereas, the foregoing complaint consisting of 3 charges, having been made/las/kisted in Exhibit A which is attached hereto and incorporated herein, and having determined that said complaint has been properly sworn to and having found that there exists probable cause for the issuance of process, based upon the affidavit of probable cause which is attached hereto and incorporated herein as Exhibit B, you are hereby commanded in the name of the State of Delaware, to take GREGORY C. PARISE accused, and bring same before

Justice of the Peace Court 03, FORTHWITH, to answer said charges.

GIVEN UNDER MY HAND, this 28th day of June AD, 2003

Case Number: 03 06 020170 Warrant Number: 89 03 000313

Executed on 06/28/2003 by WHEATLEY

ד רממט /רט /רור

3022276860f 33 P. 18 Filed 03/01/2006

Arrest Number:

State of Delaware vs. GREGORY C. PARISE

Case: 03 06 020170

Exhibit A

Charge Sequence: 001

Police Complaint Number: 89 03 000958

137890

Charge: Disorderly Conduct - Fighting or Violent Tumultuous or Threatening Behavior In Violation of 11 Del.C. § 1301 001A M

Location: Dewey Beach, 19971

TO WIT: GREGORY C PARISE, on or about the 28th day of JUNE, 2003, in the County of SUSSEX. State of Delaware, did intentionally create a risk of public alarm to other persons by engaging in fighting behavior.

Charge Sequence: 002

Police Complaint Number: 89 03 000958 Arrest Number:

137890

Charge: Resisting Arrest In Violation of 11 Del.C. § 1257 0000 M A

Location: Dewey Beach, 19971

TO WIT: GREGORY C PARISE, on or about the 28th day of JUNE, 2003, in the County of SUSSEX, State of Delaware, did intentionally attempt to prevent JOHN W WHEATLEY of the Dewey Beach PD from effecting an arrest of himself, by RUNNING FROM AND FIGHTING WITH POLICE OFFICERS.

Charge Sequence: 003

Police Complaint Number: 89 03 000958 Arrest Number:

137890

Charge: Criminal Mischief Under \$1000 Damage Property In Violation of 11 Del.C. § 0811 00A1 M

Location: Dewey Beach, 19971

TO WIT: GREGORY C PARISE, on or about the 28th day of JUNE, 2003, in the County of SUSSEX, State of Delaware, did recklessly cause damage of less than \$1000.00 to property consisting of Walkie Talkie, DEWEYBEACH POLICE UNIFORM SHIRT, DEWEY BEACH POLICE UNIFORM SHIRT AND DEWEY BEACH POLICE UNIFORM PANTS belonging to DEWEY BEACH POLICE DEPARTMENT.

State of Delaware vs. GREGORY C. PARISE

Case: 03 06 020170

Exhibit B

SBI Number: T1775398

Also Known As:

Date of Birth/Age: Sep 15, 1973 (29)

Sex: Male

Race: White

Eye Color: Hazel

Hair Color: Brown

Weight:

Driver's License:

Height: 5'8" Social Security Number 000000000

Address: 1627 taylor AVE **UTICA, NY 19971**

Phone: Employer:

Date and Times of Offense: 6/28/2003 at 0010

Location of Offense: Dewey Beach, 19971

Your affiant PTLM JOHN W WHEATLEY can truly state that: Your affiant can truly state that he is a duly swom police officer employed by the Town of Dewey Beach since May of 2003.

- 1) on June 28, 2003 at approximately 0010 hours your affiant was on patrol in the Bottle and Cork Bar Parking Lot. Standing in the East end of the parking lot your affiant observed two males, Defendant Parise and Defendant Lucci, urinating behind a sign in the parking lot observing Lucci's penis. When the defendants finished urinating the began to walk west bound on Dagsworthy St. Your affiant radioed to Patrolman PettyJohn of the Dewey Beach Police Department, gave him their descriptions and advised him the defendants were walking in his direction.
- 2) Upon stopping the defendants Pettyjohn explained to them the reason for the stop. At this time Your affiant and Patrolman Hitchens of the Dewey Beach Police Department arrived with Pettyjohn. They stated multiple times that they were real police officers and the officers on scene were only peace officers. They also stated they will not comply with commands until the real police arrive.
- 3) Becoming very irate the defendants said they were "done" and began walking away. Your affiant told the Defendants to "Come Here" and reached for Defendant Lucci. Upon grabbing Lucci around his waste he threw his elbow against your affiants arm and aggressively pushed himself away. Spraying Lucci with Cap Stun he ran less then ten feet and swung his fist toward Little hours. Ptlm Pettyjohn ducked his head and Ptlm Hitchens was punched in the mouth butting ion unconscious. Pettyjohn told Lucci to stop and Lucci immediately put he kands up and took & few steps towards him. Pilm Pettyjohn sprayed Lucci again with Cap Sture He the Dagsworthy Street. Your affiant observed defendant Parise running towards

Swom and subscribed before me this 28th day of June AD, 2003

Afflant

State of Delaware vs. GREGORY C. PARISE

intending to tackle him. He was sprayed with mace before reaching the officers and fled east bound on Dagsworthy Street. Both defendants were apprehended after a brief foot pursuit.

- 4) During the incident two \$60.00 Police uniform shirts, one \$80.00 pair of Police uniform pants and \$400.00 High Band radio were damaged. The radio is damaged beyond repair.
- 5) Ptlm Hitchens was transported to Beebe medical center were he was treated for a bruised jaw and abrasions to his lips.
- 6) The defendants were taken to the Dewey Beach Police Department where they were processed. Affiant: PTLM JOHN W WHEATLEY (98938) of DEWEY BEACH PD

Victims:
Dewey Beach Police Department
Suranger
Society/Public
ZACHARY PETTYJOHN
JEREMEY HITCHENS
JOHN WHEATLEY

Date of Birth
Relationship Victim to Defendant
Stranger
Victimless Crime
Stranger
Stranger
Stranger

Sworn and subscribed before me this 28th day of June AD, 2003

Sworn and subscribed before me this 28th day of June AD, 2003

Sudge/Master/Commissioner/Courton

Adult Complaint and Warrant In the Justice of the Peace Court In and for the State of Delaware :

State of Delaware vs. PAUL A. LUCCI JUNIOR

I, PTLM JOHN W WHEATLEY (98938) of DEWEY BEACH PD, do hereby state under oath or affirmation, to the best of my knowledge, information and belief that the above-named accused violated the laws of the State of Delaware by committing criminal acts in Sussex county on or about the date, or dates, and at or about the location, or locations, as indicated in Exhibit A hereto attached and made a part hereof.

Wherefore, your affiant prays that the above-named accused may be forthwith approached and held to answer this complaint consisting of 7 charges, and to be further dealt with as the law directs.

38	X bl. M. Whint
0 E	Affiant Affiant
Ę. ⇔ ∞	Sworm to and subscribed to before me this 28th day of June AD, 2003.
iii S	Judge/Master/Commissioner/Commi
B A misselem	(To be completed by the Judge/Master/Commissioner/Cont Official) was committed by a child, eanor was committed against a child. eanor was committed by one family member against a grapher transition and the committee by one family member against a child.
C A misden D Other: Ex	and the state of t
,	Warrant
To any constable	or other authorized person:

Whereas, the foregoing complaint consisting of 7 charges, having been made, as listed in Exhibit A which is attached hereto and incorporated herein, and having determined that said complaint has been properly sworn to and having found that there exists probable cause for the issuance of process, based upon the affidavit of probable cause which is attached hereto and incorporated herein as Exhibit B, you are hereby commanded in the name of the State of Delaware, to take PAUL A. LUCCI JUNIOR accused, and bring same before

Justice of the Peace Court 03, FORTHWITH, to answer said charges.

GIVEN UNDER MY HAND, this 28th day of June ADW Warrant Number: 89 03 000314

Case 1:04-cv-00913-GMS Document 42-7 Filed 03/01/2006 Page 22 of 33

2001

TUSTICE OF THE PEACE COURT NO. 3 + DEWEY PD

72:38 5005/65/50

10 MILL DUCCE, FAUL A, 0, OR OF ABOUT THE 28th day of JUNE, 2003, in the County of SUSSEX, State of Delaware, did intentionally attempt to prevent JOHN W WHEATLEY of the Dewey Beach PD from effecting an arrest of himself, by RUNNING FROM AND FIGHTING WITH POLICE OFFICERS.

Charge Sequence: 006

Police Complaint Number: 89 03 000958

Arrest Number: 137889

Charge: Menacing In Violation of 11 Del.C. § 0602 000A M

Location: Dewey Beach, 19971

TO WIT: PAUL A LUCCI, J, on or about the 28th day of JUNE, 2003, in the County of SUSSEX, State of Delaware, did by some movement of the-body, place ZACHARY PETTYJOHN in fear of imminent physical injury, to wit: BY PUTTING HIS HANDS UP IN A FIGHTING STANCE AND BEGAN WALKING TOWARDS OFFICER.

Charge Sequence: 007

Police Complaint Number: 89 03 000958

Arrest Number: 11

Charge: Criminal Mischief Under \$1000 Damage Property In Violation of 11 Del.C. § 0811 00A1 M

Location: Dewey Beach, 19971

TO WIT: PAUL A LUCCI, J, on or about the 28th day of JUNE, 2003, in the County of SUSSEX, State of Delaware, did recklessly cause damage of less than \$1000.00 to property consisting of HIGH BAND RADIO belonging to DEWEY BEACH POLICE DEPARTMENT.

Case: 03 06 020174

State of Delaware vs. PAUL A. LUCCI JUNIOR

Exhibit A

Charge Sequence: 001

Police Complaint Number: 89 03 000958

Arrest Number: 13 /659

Charge: Assault Second Degree Intentional Injury to a Law Enforcement Officer Fireman Correctional Officer Sheriff or Deputy Sheriff In Violation of 11 Del.C. § 0612 00a3 F D

Location: Dewey Beach, 19971

TO WIT: PAUL A LUCCI, J, on or about the 28th day of JUNE, 2003, in the County of SUSSEX, State of Delaware, did intentionally cause physical injury to JEREMEY HITCHENS, a lawenforcement-officer who was acting in the lawful performance of his duty by PUNCHING HIM IN THE MOUTH CAUSING BLEEDING AND SWELLING.

Charge Sequence: 002

Police Complaint Number: 89 03 000958

Arrest Number:

Charge: Offensive Touching of Law Enforcement Officer Ambulance Attendant EMT Firefighter Corrections Officer or Medical Professional In Violation of 11 Del.C. § 0601 00al M A

Location: Dewey Beach, 19971

TO WIT: PAUL A LUCCI, J. on or about the 28th day of JUNE, 2003, in the County of SUSSEX, State of Delaware, did intentionally touch JOHN WHEATLEY, either with a member of his body or with any instrument, knowing that he was thereby likely to cause offense or alarm to that person who was acting in the lawful performance of his duty as a Law-Enforcement-Officer -/correctionsofficer/hospital-or-nursing-home-employee/medical-professional to wit. Striking officer with elbow.

Charge Sequence: 003

Police Complaint Number: 89 03 000958

Arrest Number:

Charge: Disorderly Conduct - Fighting or Violent Tumultuous or Threatening Behavior In

Violation of 11 Del.C. § 1301 001A M

Location: Dewey Beach, 19971

TO WIT: PAUL A LUCCI, J, on or about the 28th day of JUNE, 2003, in the County of SUSSEX, State of Delaware, did intentionally create a risk of public alarm to other persons by engaging in fighting behavior.

Charge Sequence: 004

Police Complaint Number: 89 03 000958

Arrest Number: 11

Charge: Disorderly Conduct - Create Hazard Physical Offensive Condition with no purpose in Violation of 11 Del.C. § 1301 001F M

Location: Dewey Beach, 19971

TO WIT: PAUL A LUCCI, J, on or about the 28th day of JUNE, 2003, in the County of SUSSEX, State of Delaware, did intentionally create a risk of public alarm to another person by creating a hazardous or physically offensive condition which served no legitimate purpose.

Charge Sequence: 005

Police Complaint Number: 89 03 000958

Arrest Number:

Charge: Resisting Arrest In Violation of 11 Del.C. § 1257 0000 M A

State of Delaware vs. PAUL A. LUCCI JUNIOR

Exhibit B

SBI Number: T1775401

Also Known As:

Date of Birth/Age: Sep 01, 1973 (29)

73 (29) Sex: Male

Race: White

Eye Color: Brown

Hair Color: Brown

Height: 6'0" Weight:

Case: 03 06 020174

Driver's License:

riali Color. Biowit

Social Security Number:000000000

Address: 602 park AVE

ROCHESTER, NY 14607

Phone; Employer:

Date and Times of Offense: 6/28/2003 at 0010 Location of Offense: Dewey Beach, 19971

Your affiant PTLM JOHN W WHEATLEY can truly state that: Your affiant can truly state that he is a duly sworn police officer employed by the Town of Dewey Beach since May of 2003.

- 1) on June 28, 2003 at approximately 0010 hours your affiant was on patrol in the Bottle and Cork Bar Parking Lot. Standing in the East end of the parking lot your affiant observed two males, Defendant Parise and Defendant Lucci, urinating behind a sign in the parking lot observing Lucci's penis. When the defendants finished urinating the began to walk west bound on Dagsworthy St. Your affiant radioed to Patrolman PettyJohn of the Dewey Beach Police Department, gave him their descriptions and advised him the defendants were walking in his direction.
- 2) Upon stopping the defendants Pettyjohn explained to them the reason for the stop. At this time Your affiant and Patrolman Hitchens of the Dewey Beach Police Department arrived with Pettyjohn. They stated multiple times that they were real police officers and the officers on scene were only peace officers. They also stated they will not comply with commands until the real police arrive.
- 3) Becoming very irate the defendants said they were "done" and began walking away. Your affiant told the Defendants to "Come Here" and reached for Defendant Lucci. Upon grabbing Lucci around his waste he threw his elbow against your affiants arm and aggressively pushed himself away. Spraying Lucci with Cap Stun he ran less then ten feet and swung his first toward. Ptlm Pettyjohn. Ptlm Pettyjohn ducked his head and Ptlm Hitchens was punched in the mouth pulling little, unconscious. Pettyjohn told Lucci to stop and Lucci immediately put his hands up and took afew steps towards him. Ptlm Pettyjohn sprayed Lucci again with Cap Stun. He then fled east bring on Dagsworthy Street. Your affiant observed defendant Parise running towards him sprayed

Sworn and subscribed before me this 28th day of June AD, 2003

udge/Master/Commissioner/2007. Official:

State of Delaware vs. PAUL A. LUCCI JUNIOR

Case: 03 06 020174

intending to tackle him. He was sprayed with mace before reaching the officers and fled east bound on Dagsworthy Street. Both defendants were apprehended after a brief foot pursuit.

- 4) During the incident two \$60.00 Police uniform shirts, one \$80.00 pair of Police uniform pants and \$400.00 High Band radio were damaged. The radio is damaged beyond repair.
- 5) Ptlm Hitchens was transported to Beebe medical center were he was treated for a bruised jaw and abrasions to his lips.
- 6) The defendants were taken to the Dewey Beach Police Department where they were processed. Affiant: PTLM JOHN W WHEATLEY (98938) of DEWEY BEACH PD

Victims:
Date of Birth
DEWEY BEACH POLICE DEPARTMENT
SOCIETY/PUBLIC
ZACHARY PETTYJOHN
JEREMEY HITCHENS
JOHN WHEATLEY

Date of Birth
Stranger
Victimless Crime
Stranger
Stranger
Stranger
Stranger

Sworn and subscribed before mothis 28th day of June AD, 2003

Judge/Master/Commissioner/Commissi

THE COURT OF THE JUSTICES OF THE PEACE OF THE STATE OF DELAWARE IN AND FOR SUSSEX COUNTY

COURT NO. 3

PAGE: 1

BOND/ORDER TO APPEAR

TO: GREGORY C PARISE, Defendant, you are hereby COMMANDED to appear:

DATE/TIME:

Thursday, September 18, 2003, AT 8:30 AM or

COURT:

SUSSEX COUNTY COURT OF COMMON PLEAS

LOCATION:

1 THE CIRCLE, Georgetown DE

FLOOR/COURTROOM:

PHONE NUMBER:

(302)856-5591

EVENT:

ARRAIGNMENT

Failure to appear on the scheduled date and time may result in a charge of Contempt of Court and a Bench Warrant may be issued for your arrest.

CHARGE	CASE NO	ARREST NO	BAIL AMT	TYPE OF BAIL
11:1301:001A:M: DISORD.CONDUCT	0306020170 001	137890	200.00	UNSECURED BOND
11:1257:0000:M:A RESIST ARREST	0306020170 002	137890	200.00	UNSECURED BOND
11.0811.00A1.M. CRTM MISC <1000	0306020170_003	1.37890	200.00	UNSECURED BOND

Defendant and Surety also understand the following: If either party fails to keep the Court advised of defendant's address, as required by Delaware statute, they waive any notice requirements pertaining to this release, to forfeiture of the security amount, to court appearances and/or other matters pertaining to the charge or proceedings of this release. The Court reserves the right, without prior notice to defendant or hearing, to summarily revoke the release based on this bond and to issue a warrant for your arrest, if the Court finds that you have not kept the peace or been of good behavior. VIOLATIONS OF CONDITIONS:

Failure to comply with the above provisions will subject the defendant to a warrant being issued for your arrest, revocation of your release, forfeiture of any bail bond posted and prosecution for contempt of Court. Defendant shall also be subject to separate criminal offense, which provides a maximum penalty of imprisonment not to exceed 5 years and/or fine of \$5,000.

I acknowledge that I have been advised of my rights to an attorney and that if I cannot afford an attorney, I am to contact the Public Defender's Office at 14 THE CIRCLE BEDFORD STREET ENTRANCE GEORGETOWN, DE 199470000 Telephone: (302) 856-5310 for an

appointment to determine whether or not I qualify.

Failure to make an appointment with the Public Defender or make arrangements with a private lawyer to represent you before your next court appearance may mean you have waived your right to counsel. Such failure may also result in a change in your bail

This bond is valid for present and all subsequent proceedings in any court having jurisdiction by transfer, appeal, or remand, until full and final determination of the case(s). This bond is valid for present and all subsequent proceedings

The defendant and surety promise to perform the conditions set forth above, in which case this otherwise this bond shall remain in full force and effect and payment herein promised shall be payable judgement in the above sum and we submit to the jurisdiction of the Court and irrevocably appointing as our agent upon whom any paper affecting our liability may be served, and our liability may be necessity of independant action, without further notice; and we release and quitclaim any errors in the and waive all exemption laws of the State of Delaware. I hereby acknowledge that I understand the contract of Delaware. this bond and the penalties and forfeiture which may follow for non-compliance,

POLICE/COMPLAINANTS

This is your subpoena for trial

89 - PTLM WHEATLEY 98938

89 - WHEATLEY 98938

PTLM JOHN W WHEATLEY

GREGORY C PARISE

Peace SHEILA G

1627 taylor AVE Address: UTICA NY 19971

Phone:

(315) 724-1167

DLB

NTHE COURT OF THE JUSTICES OF THE PEACE OF THE STATE OF DELAWARE IN AND FOR SUSSEX COUNTY

COURT NO. 3

BOND/ORDER TO APPEAR

PAGE: 1

28 AM 9 23 AM 9 23

TO: PAUL A LUCCI J. Defendant, you are hereby COMMANDED to appear:

DATE/TIME:

Thursday, July 03, 2003, AT 11:00 AM

COURT:

SUSSEX COUNTY COURT OF COMMON PLEAS

LOCATION:

1 THE CIRCLE, Georgetown DE

FLOOR/COURTROOM:

PHONE NUMBER:

(302)856-5591

EVENT:

PRELIMINARY HEARING

Failure to appear on the scheduled date and time may result in a charge of Contempt of Court and a Bench Warrant may be issued for your arrest.

CHARGE	CASE NO	ARREST NO	BAIL AMT	TYPE OF BAIL
l1:06l2:00a3:F:D ASSAULT 2ND	0306020174 001	137889	5,000.00	UNSECURED BOND
11:0601:00al:M:A OFF TOUCHING LE	0306020174 002	137889	500.00	UNSECURED BOND
11:1301:001A:M: DISORD.CONDUCT	0306020174 003	137889	500.00	UNSECURED BOND

Defendant and Surety also understand the following: If either party fails to keep the Court advised of defendant's address, as required by Delaware statute, they waive any notice requirements pertaining to this release, to forfeiture of the security amount, to court appearances and/or other matters pertaining to the charge or proceedings of this release. The Court reserves the right, without prior notice to defendant or hearing, to summarily revoke the release based on this bond and to issue a warrant for your arrest, if the Court finds that you have not kept the peace or been of good behavior.

VIOLATIONS OF CONDITIONS:

Failure to comply with the above provisions will subject the defendant to a warrant being issued for your arrest, revocation of your release, forfeiture of any bail bond posted and prosecution for contempt of Court. Defendant shall also be subject to separate criminal offense, which provides a maximum penalty of imprisonment not to exceed 5 years and/or fine of \$5.000.

separate criminal offense, which provides a maximum penalty of imprisonment not to exceed 5 years and/or fine of \$5,000.

I acknowledge that I have been advised of my rights to an attorney and that if I cannot afford an attorney, I am to contact the Public Defender's Office at 14 THE CIRCLE BEDFORD STREET ENTRANCE GEORGETOWN, DE 199470000 Telephone: (302) 856-5310 for an appointment to determine whether or not I qualify.

Failure to make an appointment with the Public Defender or make arrangements with a private lawyer to represent you before your next court appearance may mean you have waived your right to counsel. Such failure may also result in a change in your bail status.

This bond is valid for present and all subsequent proceedings in cape tourt having jurisdiction by transfer, appeal, or remand, until full and final determination of the case(s).

The defendant and surety promise to perform the conditions set forth above, in which case this bond shall not pull and word, but otherwise this bond shall remain in full force and effect and payment herein promised shall be dayage from built, and we confess judgement in the above sum and we submit to the jurisdiction of the Court and irrevocably appoint; any court of record as our agent upon whom any paper affecting our liability may be served, and our liability may be referred on motion without necessity of independant action, without further notice; and we release and quitclaim any emotion the judgement or entry thereof and waive all exemption laws of the State of Delaware. I hereby acknowledge that I understand the conditions and obligations of this bond and the penalties and forfeiture which may follow for non-compliance,

Justice of the Peace SHEILA G BLAKELY MANUAL Date

POLICE/COMPLAINANTS

This is your subpoena for trial

89 - WHEATLEY 98938

89 - WHEATLEY 98938

PTLM JOHN WHEATLEY

JOHN WHEATLEY

DLB

Defendant: PAUL A LUCCI J

Address: 602 park AVE

ROCHESTER NY 14607

Phone:

(585) 467-6395

PAGE: 2

IN THE COURT OF THE JUSTICES OF THE PEACE OF THE STATE OF DELAWARE IN AND FOR SUSSEX COUNTY

COURT NO. 3

BOND/ORDER TO APPEAR 20

TO: PAUL A LUCCI J, Defendant, you are hereby COMMANDED to appear:

DATE/TIME:

Thursday, July 03, 2003, AT 11:00 AM SUSSEX COUNTY COURT OF COMMON PLEAS

COURT: LOCATION:

1 THE CIRCLE, Georgetown DE

FLOOR/COURTROOM:

PHONE NUMBER:

(302)856-5591

EVENT:

PRELIMINARY HEARING

Failure to appear on the scheduled date and time may result in a charge of Contempt of Court and a Bench Warrant may be issued for your arrest.

CHARGE	CASE NO	ARREST NO	BAIL AMT	TYPE OF BAIL
11:1301:001F:M: DISORD.CONDUCT	0306020174 004	137889	500.00	UNSECURED BOND
11:1257:0000:M:A RESIST ARREST	0306020174 005	137889	500.00	UNSECURED BOND
11:0602:000A:M: MENACING	0306020174 006	137889	500.00	UNSECURED BOND

Defendant and Surety also understand the following: If either party fails to keep the Court advised of defendant's address, as required by Delaware statute, they waive any notice requirements pertaining to this release, to forfeiture of the security ammount, to court appearances and/or other matters pertaining to the charge or proceedings of this release. The Court reserves the right, without prior notice to defendant or hearing, to summarily revoke the release based on this bond and to issue a warrant for your arrest, if the Court finds that you have not kept the peace or been of good behavior. VIOLATIONS OF CONDITIONS:

Failure to comply with the above provisions will subject the defendant to a warrant being issued for your arrest, revocation of your release, forfeiture of any bail bond posted and prosecution for contempt of Court. Defendant shall also be subject to separate criminal offense, which provides a maximum penalty of imprisonment not to exceed 5 years and/or fine of \$5,000.

I acknowledge that I have been advised of my rights to an attorney and that if I cannot afford an attorney, I am to contact the Public Defender's Office at 14 THE CIRCLE BEDFORD STREET ENTRANCE GEORGETOWN, DE 199470000 Telephone: (302) 856-5310 for an appointment to determine whether or not I qualify.

failure to make an appointment with the Public Defender or make arrangements with a private lawyer to represent you before your next court appearance may mean you have waived your right to counsel. Such failure may also result in a change in your bail status.

This bond is valid for present and all subsequent proceedings in illinity population by transfer, appeal, or remand, until full and final determination of the contraction of the contra imilianili court having

The defendant and surety promise to perform the conditions set forth above, in which case the bond shall remain in full force and effect and payment herein promised shall be payable for with and we confess judgement in the above sum and we submit to the jurisdiction of the Court and irrevocably appoint any element of court of record as our agent upon whom any paper affecting our liability may be served, and our liability be selected motion. Without further notice; and we release and quitclaim any effort in the submitted of the State of Delaware. I hereby acknowledge that I understant the court of the state of Delaware. and waive all exemption laws of the State of Delaware. I hereby acknowledge that I unders the continues and this bond and the penalties and forfeiture which may follow for non-compliance.

of the Peace SHEILA G BLAKELE OF

POLICE/COMPLAINANTS

This is your subpoena for trial

89 - WHEATLEY 98938

89 - WHEATLEY 98938

Defendant: PAUL A LUCCI J

Address: 602 park AVB

ROCHESTER NY 14607

Medaninininin

Phone:

(585) 467-6395

DLB

IN THE COURT OF THE JUSTICES OF THE PEACE OF THE STATE OF DELAWARE IN AND FOR SUSSEX COUNTY

PAGE: 3

COURT NO. 3

TM JUN 28 AM 9 23 BOND/ORDER TO APPEAR

TO: PAUL A LUCCI J. Defendant, you are hereby COMMANDED to appear:

DATE/TIME:

PHONE NUMBER:

Thursday, July 03, 2003, AT 11:00 AM 10:00 F. 3

COURT:

SUSSEX COUNTY COURT OF COMMON PLEAS

LOCATION:

1 THE CIRCLE, Georgetown DE FLOOR/COURTROOM:

(302)856-5591

EVENT:

PRELIMINARY HEARING

Failure to appear on the scheduled date and time may result in a charge of Contempt of Court and a Bench Warrant may be issued for your arrest.

CHARGE

CASE NO

ARREST NO

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Manuscripi V.

Date

11:0811:00A1:M: CRIM MISC <1000

0306020174 007

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500.00 UNSECURED BOND

Defendant and Surety also understand the following: If either party fails to keep the Court advised of defendant's address, as required by Delaware statute, they waive any notice requirements pertaining to this release, to forfeiture of the security amount, to court appearances and/or other matters pertaining to the charge or proceedings of this release. The Court reserves the right, without prior notice to defendant or hearing, to summarily revoke the release based on this bond and to issue a warrant for your arrest, if the Court finds that you have not kept the peace or been of good behavior. VIOLATIONS OF CONDITIONS:

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I acknowledge that I have been advised of my rights to an attorney and that if I cannot afford an attorney, I am to contact the Public Defender's Office at 14 THE CIRCLE BEDFORD STREET ENTRANCE GEORGETOWN, DE 199470000 Telephone: (302) 856-5310 for an appointment to determine whether or not I qualify.

failure to make an appointment with the Public Defender or make arrangements with a private lawyer to represent you before your next court appearance may mean you have waived your right to counsel. Such failure may also result in a change in your bail status.

This bond is valid for present and all subsequent proceedings with any gourt having jurisdiction by transfer, appeal, or remand, until full and final determinated across (s).

The defendant and surety promise to perform the conditions set forth above, in which case this bond shall remain in full force and effect and payment herein promised shall be rayable folial with any word, but otherwise this bond shall remain in full force and effect and payment herein promised shall be rayable folial with any word, but otherwise this bond shall remain in full force and effect and payment herein promised shall be rayable folial with any word, but otherwise this bond shall remain in full force and effect and payment herein promised shall be rayable folial with any court is record as our agent upon whom any paper affecting our liability may be served, and our liability may be the motion without necessity of independent action, without further notice; and we release and quitclaim any firms in the definitions and obligations of and waive all exemption laws of the State of Delaware. I hereby acknowledge that I understant the departs and obligations of and waive all exemption laws of the State of Delaware. I hereby acknowledge that I under the and obligations of this bond and the penalties and forfeiture which may follow for non-compliance.

Justice of the Peace SHEILA G. BLAKE

POLICE/COMPLAINANTS

This is your subpoena for trial

89 - WHEATLEY 98938

89 - WHEATLEY 98938

Defendant: PAUL A LUCCI J

Address:

602 park AVE

ROCHESTER NY 14607

Phone:

(585) 467-6395

DLB

Supplemental Report - #1

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On June 28, 2003 at 0010 hours I was notified by the Dewey Beach Police dispatch center that officers were attempting to place two suspects into custody. When I arrived at Dagsworthy Avenue (bayside), I observed three officers trying to detain two subjects who were identified as defendants Gregory Parise and Paul Lucci. The officers involved were Dewey Beach Police officers Hitchens, Wheatley, and Pettyjohn. While wrestling with the defendants, they repeatedly asked the defendants to stop resisting, but the defendants continued fighting. Both were sprayed with Oleoresin Capsicum (OC) spray and were swinging their arms not letting the arresting officers place handcuffs on them. Both defendants were yelling that they were New York police officers and they were being arrested for no reason. They also stated they wanted a real police officer on the scene. The defendants were placed into custody. When I observed Ptlm. Hitchens, I noticed blood dripping from his lip. I asked him how that occurred and he informed me while wrestling with the defendants, he was punched in the jaw by defendant Lucci. I was informed by Wheatley the punch was intended for Ptlm. Pettyjohn, but struck him. He also stated the blow rendered Ptlm Hitchens unconscious. Ptlm Hitchens was transported to Beebe Medical Center by the Rehoboth Beach Fire Department. At Beebe Medical Center he was treated and released for the injuries caused by Defendant Lucci.

When the defendants were placed into custody they were transported to the Dewey Beach Police Department. At that location, their eyes were treated with water to reverse the effects of the OC Spray. They were also issued a O.C. Administrative Warning. During the decontamination, defendant Parise stated he was employed by the Oneida County Sheriff's Department. When I left the decontamination area, I was told by Ptlm Wheatley the two men changed their stories and began saying they were not police officers. The defendants continued resisting officers commands until the were placed in the Dewey Beach Police holding cell. Upon bringing the defendants into the holding cell, they were asked again where they

Reporting Officer	Supervisor Approval	
PFC DEMPSEY - 9894	SAMUEL D MACKERT OJDBSDM Date 07/04/2003 1554	

FEB-08-2004Ca\$5:2004-cv-009TOWS DFS DEWEY DEWEY

Investigative Narrative - Continued

were employed. Parise stated Oneida County New York but he was not a police officer. Lucci continued stating he was not a police officer.

Oneida County Sheriff's Department was contacted and it was discovered that Parise was in fact employed by the Sheriff's Department. He is a recent graduate of their police academy. Through further investigation, I discovered Lucci also was a police officer employed by the city of Rochester, New York and has been so for several years.

The defendants were processed and transported to Justice of the Peace Court 3 by Ptlm Wheatley.

Reporting Officer PFC DEMPSEY	· - 9894	Supervisor Approval SAMUEL D M.	ACKERT OJDBSDM D	ate 07/04/2003 1554	
Solvability Factors		□M. O.	Trace Stolen Property	☐ Suspect Named	Status
	LISuspect Located	Suspect Described	☐ Suspect Identified	L.I Suspect Vehicle Described	Closed

Supplemental Report - #2

Original Oct. SAT 06									Grid 216-10		Sector 73						
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Location Type Highway/Roadway/Altey Status Adult A				rrest	rest 06/28/2003 Involvement General Offense												
Suspected []Yes		vilias No - N/A		ne Code 01 - D		Business	Prope	erty									
Burglary Fo		Involved No					-										

Investigative Narrative

On June 28, 2003 while on routine patrol, I met with Ptlm. Pettyjohn on Dagsworthy Avenue (bayside). At approximately 0010 hours Ptlm. Wheatley contacted Ptlm. Pettyjohn over the radio stating to him that there were two male subjects walking from Bellevue Street that had urinated in public. The two men were observed by Ptlm. Pettyjohn and myself walking down Dagsworthy Avenue. Ptlm. Pettyjohn approached the two subjects and started talking to them. At that point I was called over to the scene by Ptlm. Pettyjohn because the two males (defendant Lucci and defendant Parise) were being disorderly and irate. At this time, I started talking to the subjects in a respectful manner implying to them that they needed to calm down. At that point, defendant Lucci and defendant Parise started saying that you are "peace officers-we're fucking police officers''. Ptlm. Wheatley then arrived on the scene and asked Paul A. Lucci and Gregory C. Parise for their identification. They said ''no, we're done', then turned and walked off. At that point Ptlm. Wheatley and myself told the gentlemen to stop. They did not reply to our command so that is when Ptlm. Wheatley and myself grabbed the two defendants to put them in handcuffs. The two male subjects resisted and defendant Lucci slipped out of my arms, that is when Ptlm. Pettyjohn jumped in to assist me in the struggle. Ptlm. Pettyjohn grabbed defendant Lucci, that is when the defendant slipped away and took a swing at Ptlm. Pettyjohn or myself. The punch connected with me, striking me in the jaw rendering me unconscious.

Reporting Officer PTLM HITCHENS	- 88939	CKERT OJDBSDM Date 07/12	/2003 1448			
Solvability Factors	□ Witness	ĽM.O.	Trace Stolen Property		Status	
	Li Suspect Located	☐ Suspect Described	E.I.Suspect Identified	Suspect Vehicle Described	Closed	

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Supplemental Report - #4

Original Occu						····		Grid 216-10	16	Sactor 73	7						
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victim Numbe 001	Clim Number Name DEWEY BEACH POLICE DEPARTMENT																
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n November 5, 2003, all evidence from the above case was removed from the Dewey Beach Police epartment Evidence room and transported to Sussex County Court of Common Pleas for Preliminary earings.